

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LUCILLE DUMAS,) CASE NO. 16 CV _____
)
 Plaintiff,) JUDGE _____
)
 vs.)
)
 MADELINE CHAPPELL et al.,)
)
 Defendants.)

**NOTIFICATION OF REMOVAL BY DEFENDANT CUYAHOGA COUNTY
TO THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION:

1. Plaintiff Lucille Dumas has filed an action in the Court of Common Pleas for Cuyahoga County, Ohio, *Lucille Dumas v. Madeline Chappell et al.*, docketed by that Court as Case No. CV 16-8527117, by filing a Complaint. A copy of the Complaint is filed herewith as “Exhibit 1.”
2. On January 13, 2016, Defendant Cuyahoga County waived service of summons upon it pursuant to Ohio Civil Procedure Rule 4(D), through undersigned counsel, by filing and service a written waiver of service of summons. A copy of said Waiver is filed herewith as “Exhibit 2.”
3. Plaintiff’s civil action alleges that the Defendant Cuyahoga County violated Plaintiff’s rights under the Fourth and Fourteenth Amendments to the United States Constitution

and that she seeks a remedy under 42 U.S.C. § 1983, and also alleges that Defendant Cuyahoga County is liable to her under Ohio negligence law.

4. Plaintiff's civil action also alleges that Defendant Madeline Chappell violated Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution and that she seeks a remedy under 42 U.S.C. § 1983, and also alleges that Defendant Madeline Chappell is liable to her under Ohio law.
5. The United States District Court for the Northern District of Ohio, Eastern Division, has original jurisdiction over Plaintiff's Complaint by reason of 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Venue is proper under 28 U.S.C. § 1391(b).
6. Plaintiff's action is one that may be removed to the United States District Court for the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. § 1441.
7. This action has not been commenced as of the date of this filing against any parties other than Defendant Cuyahoga County.
8. This Notice of Removal is timely filed within the requirements of 28 U.S.C. § 1446(b).
9. As required by 28 U.S.C. § 1446(d), Defendant Cuyahoga County will give written notice of the filing of this Notice of Removal and shall file a copy of this Notice of Removal with the Clerk of Courts for the Court of Common Pleas, Cuyahoga County, Ohio.

WHEREFORE, Defendant Cuyahoga County requests that this action proceed in this Court according to law.

Respectfully submitted,

TIMOTHY G. McGINTY, Prosecuting
Attorney of Cuyahoga County, Ohio

By: /s/ Barbara R. Marburger
BARBARA R. MARBURGER (0019152)
Assistant Prosecuting Attorney

Cuyahoga County Prosecutor's Office
1200 Ontario Street – 8th Floor
Cleveland, Ohio 44113
Tel.: (216) 443- 7838
Fax: (216) 443-7602
bmarburger@prosecutor.cuyahogacounty.us

Attorneys For Defendant Cuyahoga County

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. mail on January 13, 2016, to:

Subodh Chandra
1265 W. 6th Street, Suite 400
Cleveland, OH 44113

Attorney for Plaintiff

and

Madeline Chappell
26241 Lakeshore Boulevard #1953
Euclid, OH 44132

Co-Defendant

By: /s/ Barbara R. Marburger
BARBARA R. MARBURGER (0019152)
Assistant Prosecuting Attorney